

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:06CR250-12**

**UNITED STATES OF AMERICA**

**VS.**

**SERGIO GERARDO LOPEZ HUESCA**  
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**ORDER**

**THIS MATTER** is before the Court on Defendant's *pro se* motion for "sentencing adjustment." The motion is denied.

Defendant states his status as a "deportable alien" prevents him from being eligible to serve his sentence in a minimum security facility and/or serve the last ten percent of his sentence in a half-way house or other community confinement program – benefits which citizens of the United States enjoy in similar circumstances. **Motion, at 3.** He requests the Court adjust his sentence by granting a "one-level downward departure from his base offense level" in order to remedy the "extraordinary harsh and disparate nature of this penalty." ***Id.* at 6-7.**

Pursuant to 18 U.S.C. § 3582, the Court “may not modify a term of imprisonment once it has been imposed except” in circumstances not presented by Defendant herein. **18 U.S.C. § 3582(c).**

**IT IS, THEREFORE, ORDERED** that Defendant’s motion for “sentencing adjustment” is hereby **DENIED**.

Signed: October 26, 2007

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

